

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

ANTIOCH UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015020590

PARENT ON BEHALF OF STUDENT,

v.

ANTIOCH UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015030589

ORDER GRANTING MOTION TO
AMEND COMPLAINT

On February 5, 2015, Antioch Unified School District filed a due process hearing request naming Student as respondent. On March 13, 2015, Student filed a due process hearing request naming Antioch as respondent. On March 23, 2015, those matters were consolidated and Student's case was deemed the primary case for calculating the applicable timelines. On April 24, 2015, the consolidated matters were continued and the due process hearing was scheduled to commence on May 26, 2015.

On May 19, 2015, Antioch filed a motion to amend its complaint. Student filed an opposition to Antioch's motion to amend on May 20, 2015.¹

¹ In Student's opposition to Antioch's motion to amend its complaint, Student seeks an opportunity to augment its evidence disclosures or in the alternative to file an amended complaint of her own to assert a new issue regarding a records review conducted without parental consent. Granting the motion to amend Antioch's complaint renders Student's request to augment her evidentiary disclosure moot because timelines will be reset. No action is taken in this order regarding Student's request to amend because no formal request and proposed amended complaint have been filed with OAH or are currently pending. If Student files her own motion to amend her complaint, it will be ruled upon in a separate order.

APPLICABLE LAW

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) Filing an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

DISCUSSION AND ORDER

The motion to amend is timely and is granted. All dates currently set will be vacated. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. The matter will remain consolidated. Antioch's case, OAH 2015020590, will now be deemed the primary case for the purpose of calculating applicable timelines. OAH will issue a new scheduling order consistent with the timelines for a district filed case.

IT IS SO ORDERED.

DATE: May 20, 2015

/s/

JOY REDMON

Administrative Law Judge

Office of Administrative Hearings